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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
10) CASE NO. MJ 11-120
11 Plaintiff,)
12)
13 v.)
14 TOMMY PHAM,)
15)
16 Defendant.)
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21)
22)

Offense charged: Felon in Possession of a Firearm; Possession of Marijuana with Intent to
Distribute

Date of Detention Hearing: March 31, 2011

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
based upon the factual findings and statement of reasons for detention hereafter set forth, finds
that no condition or combination of conditions which defendant can meet will reasonably assure
the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) The government contends that defendant committed the instant offenses while on

01 bond from a pending state court criminal case. The government contends that multiple firearms
02 and body armor, as well as marijuana and drug paraphernalia were found in defendant's bedroom
03 during a search, as well as documents notifying defendant that he was ineligible to possess
04 firearms due to a prior felony conviction.

05 (2) Defendant's lengthy criminal history includes multiple VUCSA offenses. He is
06 associated with two aliases and four dates of birth.

07 (3) Defendant poses a risk of nonappearance due to conflicting information during
08 verification of residential history, lack of employment, unknown substance abuse history,
09 association with multiple identifiers, family ties to Vietnam, and a history of failing to comply
10 with Court orders. He poses a risk of danger based on the nature of the instant offense, criminal
11 history and a history of failing to comply with Court orders.

12 (4) There does not appear to be any condition or combination of conditions that will
13 reasonably assure the defendant's appearance at future Court hearings while addressing the
14 danger to other persons or the community.

15 It is therefore ORDERED:

16 (1) Defendant shall be detained pending trial and committed to the custody of the
17 Attorney General for confinement in a correction facility separate, to the extent
18 practicable, from persons awaiting or serving sentences or being held in custody
19 pending appeal;

20 (2) Defendant shall be afforded reasonable opportunity for private consultation with
21 counsel;

22 (3) On order of a court of the United States or on request of an attorney for the

Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

- (4) The clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 1st day of April, 2011.

Mary Alice Theiler
Mary Alice Theiler
United States Magistrate Judge